

SERIAL NO.: 10/761,532  
ATTORNEY'S DOCKET NO.: 800.0284.U1(US)

### REMARKS

Claims 1, 3-9, and 12-20 are currently pending. Claims 2 and 7 have been canceled without prejudice or disclaimer. Claims 1, 3, 5, 6, 8, 16, 17, 19 and 20 have been amended. The amendment of the claims is supported by Applicant's original disclosure, including page 5, line 14, through page 7, line 12, and the original claims. It is respectfully submitted that no new matter has been added.

### Response to Arguments

The amended claims are believed to be patentable over the cited prior art.

### Claim Rejections – 35 U.S.C. 102(e)

The Patent Office rejected claims 5, 16, and 17 under 35 U.S.C. 102(e) as being anticipated by Turner, U.S. Patent No. 7,072,296.

For a claim to be anticipated, each and every non-inherent claim limitation must, generally, be taught in a single reference. MPEP 2131

There are three independent claims 1, 5, and 16. Claims 5 and 16 are reproduced below.

Claim 5 recites as follows:

An apparatus comprising: a means for reducing a number of bits in a voice sample included in a voice packet to be transmitted in a speech spurt; **a means for deciding between using said reduced bits of the voice sample for transmitting header field data of the voice packet in a digital packet-switched network and stealing at least one entire block based on a location of the voice packet in the speech spurt;** means for stealing the at least one entire block for header field data of the voice packet; and means for using said reduced bits of the voice sample for transmitting the header field data of the voice packet.

Claim 16 recites as follows:

An apparatus comprising: a controller for processing an algorithm for reducing a number of bits in a voice sample included in a voice packet to be transmitted and using the reduced bits of the voice sample for transmitting header field data in the voice packet in a speech spurt, the apparatus configured to transmit the packet in a digital packet-switched cellular network, **the controller configured to determine if the voice**

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**packet is located before a certain location in the speech spurt and, if the voice packet is determined to be from before the certain location, then the controller is configured to steal at least one entire voice block for header field data of the voice packet, else, the controller is configured to reduce a number of bits in the voice sample and use the reduced voice sample bits for transmitting the header field data of the same packet.**

Turner is directed to a method for bandwidth reduction in which “the wireless access gateway identifies regenerable information and eliminates portions of the data which the device need not transmit because the data is redundant, or accessible or recreatable, at the receiving side (abstract). Figure 2, box 201, indicates that selective reduction is to reduce the associated bandwidth requirements. A reducer is disclosed (e.g., column 14, lines 42-43 and 63-65, column 15, lines 7-11). Turner, in column 18, lines 13-14, discloses “aggregation rules table 72 includes entries 71 corresponding to the message traffic 44.” Turner, in column 19, lines 52-59, discloses “during periods of peak demand, at step 246, processing the speech data segment further includes selectively eliminating a subset of the voice content portion, selectively eliminating corresponding to a traffic shaping metric indicative of throughput.”

A significant difference between Turner and embodiments of Applicant's claimed invention is that Turner is directed to optimized leased lines in the backbone network between a mobile switching office (MSO) and cell sites. The optimization is accomplished by using two backhaul gateways (references 30 and 40 in Figs. 1 and 3). These backhaul gateways are located between base stations (BTS reference 15 in Fig. 1) and a base station controller (BSC reference 18 in Fig. 1). The connection between the backhaul gateways are accomplished by leased lines (column 3, lines 24-39). In Turner a connection between a base station and a mobile terminal is managed by using standard transmission protocols (column 14, lines 6-15). Any possible problems in the air interface are not addressed.

Turner does not disclose or suggest “stealing at least one whole voice block” or “**deciding between using said reduced bits of the voice sample for transmitting header field data of the voice packet in a digital packet-switched network and stealing at least one entire block based on a location of the voice packet in the speech spurt.**”

Not only does Turner not disclose or suggest this claimed subject matter, Turner is not

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amenable to modification to incorporate stealing a voice block.

As such, claims 5, 16, and 17 are not anticipated by Turner.

Furthermore, the Patent Office acknowledges receipt of the Finnish priority document. This document was filed on February 14, 2003, which precedes the April 4, 2003 filing date of Turner's provisional patent application no. 60/460,597. Under 35 U.S.C. 119, Applicant claims the benefit of an earlier filing date over provisional patent application no. 60/460,597 through the right to priority from the Finnish priority document (e.g., cf. Figures 1-3 of the Finnish priority document to Figures 1-3 of this application). If the Patent Office believes that Applicant's claimed subject matter is predated by the other provisional patent application, provisional application no. 60/401,503, and the Patent Office maintains Turner as a reference against the currently pending claims, Applicant respectfully requests that the Patent Office indicate with particularity which portions of provisional patent application no. 60/401,503 he relies upon.

#### **Claim Rejections – 35 U.S.C. 103(a)**

The Patent Office rejected claims 1-4, 6-9, 12-15, and 18-20 under 35 U.S.C. 103(a) as being unpatentable over Turner in view of Bladsjo, U.S. Patent No. 6,907,030.

Claim 1 recites as follows:

**A method comprising: determining, in a speech spurt, a combined bit count of a voice sample and a header field of a voice packet; if a wireless terminal of a packet-switched network estimates that the combined bit count exceeds an available transmission capacity of a transmission channel allocated to the terminal, then determining if the voice packet is located before a certain location in the speech spurt; if the voice packet is determined to be located before the certain location, then stealing at least one entire voice block for header field data of the voice packet, else, reducing a number of bits in the voice sample and using the reduced voice sample bits for transmitting the header field data of the voice packet.**

The Examiner rejects the remaining claims as being obvious over Turner in view of Bladsjo. Turner depicts a solution as to how capacity problems in the backbone network can be handled between two gateways that are connected by leased lines. Turner is fully silent about the air interface between the mobile terminal and the base station.

Bladsjo discloses a solution as to how a receiver can handle multiplexed information

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having higher and lower priorities. Low priority data can be transmitted in silent periods of a high priority data (i.e. real-time voice data). In the system of Bladsjo, the receiver can be in three different states: speech, no speech or speech possible. Headers of received frames contain information as to what state the particular receiver should be in for correctly decoding the received frame.

Although Bladsjo may disclose a wireless packet-switched network, this reference does not disclose or suggest how the afore-referenced problem, set forth in Applicant's specification and addressed by the subject claims, could be corrected. Thus, the above-mentioned deficiency of Turner could not be corrected in a way which would lead a person of ordinary skill in the art to the claimed invention. Nor is there any reason to combine and modify the teachings of the cited references in an attempt to arrive at Applicant's claims. Thus, the Examiner's obviousness rejection also should be reconsidered and withdrawn.

Moreover, Applicant's claim 1 has been amended to recite as follows:

**determining if the voice packet is located before a certain location in the speech spurt; if the voice packet is determined to located before the certain location, then stealing at least one entire voice block for header field data of the voice packet, else, reducing a number of bits in the voice sample and using the reduced voice sample bits for transmitting the header field data of the voice packet**

Neither Turner nor Bladsjo teach or suggest this claimed subject matter.

Neither Turner nor Bladsjo teach or suggest "stealing at least one whole voice block" or "a means for deciding between using said reduced bits of the voice sample for transmitting header field data of the voice packet in a digital packet-switched network and stealing at least one entire block based on a location of the voice packet in the speech spurt."

Because neither Turner nor Bladsjo teach or suggest this claimed subject matter, any proposed combination of these two references would likewise fail to teach or suggest this claimed subject matter.

Thus, claims 1-4, 6-9, 12-15, and 18-20 are patentable over the prior art of record.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-9 and 12-20 under 35 U.S.C.102(e) based on Turner and under 35 U.S.C. 103(a) based

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on Turner in view of Bladsjo, and to allow all of the pending claims as now presented for examination. An early notification of the allowability of now pending claims 1, 3-9, and 12\*20 is earnestly solicited.



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